

REMARKS/ARGUMENT

No amendments are made to the claims. Accordingly, Claims 18-23, 25-63, and 64-84 remain pending for consideration.

All claims stand rejected under 35 U.S.C. §103(a), as being unpatentable over *Villareal* (US 6605154) in view of *Mino et al.* (US 2003/0104129). Applicants traverse the rejections for at least the following reasons.

Villareal would qualify under Section 103(a) as applied through only Section 102(e) because *Villareal*'s earliest publication date (August 12, 2003) was after the priority date for this divisional application, i.e., June 28, 2001.

This application and *Villareal* were, at the time the invention was made, commonly owned by Advanced Cardiovascular Systems, Inc., now Abbott Cardiovascular Systems, Inc. Therefore, *Villareal* is disqualified as prior art under 35 U.S.C. §103(a) because of the limitations set forth in 35 U.S.C. §103(c), which disqualifies art owned by the same entity at the time of the invention if that art only qualifies as prior art under 35 U.S.C. §§102(e), 102(f) or 102(g).

Because *Villareal* is disqualified as a prior art reference under 35 U.S.C. § 103(c), Claims 18-23, 25-63, and 64-84 would not have been obvious over *Villareal* and *Mino* under 35 U.S.C. § 103(a). For at least this reason, Applicants respectfully request that all standing rejections to the claims under Section 103 be withdrawn.

Applicants earnestly solicit the Office to pass this case to issue without further delay.

Application No. 10/660,853
Amendment dated: June 17, 2008
Reply to Office action of April 10, 2008

Conclusion

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date:

June 17, 2008

/JLR/

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0314

James L. Reed
Attorney for Applicants
Reg. No. 43,877